

REMARKS

Claim 16 has been cancelled without prejudice or disclaimer, since the invention is adequately covered by the retained claims, which are 1-8, 10-15, 17 and 18. Claims 1 and 18 are independent, and the rest are dependent. With respect to the first sentence on page 2 of the Office Action, it is noted that there was a prior Office Action mailed April 1, 2002.

Claims 1-8 and 10-14 are rejected under 35 U.S.C. § 102(b) as anticipated by a previously cited U.S. patent to Fisherman No. 5,176,438. Claims 1-4, 8, 10, 14, 16 and 17 (now claims 1-4, 8, 10, 14 and 17) are rejected under 35 U.S.C. §102(b) as being anticipated by a newly cited U.S. patent to Sinclair No. 4,892,334. Claim 15 is rejected under 35 U.S.C. §103 (a) as being unpatentable over the Fisherman patent in view of a previously cited U.S. patent to Managed No. 5,025,353.

The Examiner contends that the Fisherman and Sinclair patents disclose every feature of each claim to which those patents are applied under 35 U.S.C. §102 (b). The Examiner recognizes that the Fisherman patent does not disclose all of the features recited in claim 15 but states that the Managed patent makes up for the deficiency of the Fisherman patent as a suggestion of the invention as defined in that claim.

All of the rejections are respectively traversed. The rejected claims have all been amended by amendment of independent claim 1. It is respectively submitted that the claims as amended and resubmitted avoid the rejections and are in condition for allowance.

The rejected claims as amended and resubmitted are directed to apparatus comprising a base and a support connected to the base. An adjuster is provided for selectively collapsing the support relative to the base so that the apparatus can support writing material and function as a clipboard; or propping the support in an extended position relative to the base so that the apparatus can support reading material and function as a reading stand. At least one compartment is provided for holding miscellaneous items, plus means for selectively opening or closing the compartment. A light is provided for illuminating the writing or reading material. The light can be retracted or extended, and the apparatus when collapsed is substantially rectangular in plan view.

The invention as defined in the claims as amended and resubmitted is neither disclosed nor suggested by the documents relied upon.

The Fisherman patent discloses apparatus comprising a spring clip 16 for holding paper 18 on a reading surface 12. A reflector housing 44 is mounted on a supporting arm 38 with flexible and bendable sections 40. A compartment 32 accommodates batteries 34, and a compartment 36 accommodates the supporting arm 38. A clip 24 is provided for holding a pencil 26. A movable supporting stand 22 can be extended to the position shown in Fig 3. The patent neither discloses nor suggests a compartment for holding miscellaneous items and means for selectively opening or closing the compartment. That is an important feature of the present invention, since it enables safe transport of pencils, ballpoint pens, writing paper, etc, without the risk that they will be lost or damaged. The pencil holder 24 of the Fisherman patent holds a

pencil “outside” the apparatus, where it can easily be dislodged by accidental contact with people or various objects in the environment. While the spring clip 16 is adapted to secure paper, it does not protect the paper against inclement weather; and, if a thick sheaf of papers is held by the clip 16, individual papers can easily slip out and be lost. Also, since the spring clip 16 is the only way of transporting the papers, it can be expected that the edges will be curled and damaged by contact with clothing, the contents of briefcases or suitcases, books or other objects stacked on the reading surface 12, etc. Clearly, this document does not support a rejection of the amended claims.

The Sinclair patent is equally inapposite. The Office Action states at the bottom of page 2 that the Sinclair patent discloses an adjuster 13 which acts as a hinge which the user can selectively open and close relative to the base as desired. However, the hinge 13 of the Sinclair patent can not be construed as corresponding both to the adjuster and the means for selectively opening or closing the compartment, recited as separate elements in claim 1. In claim 1 as amended, the adjuster props the support in an extended position relative to the base. In the illustrative embodiment of applicants’ invention, the adjuster includes both hinge means and a plurality of stops 29 for propping the support in any of a number of extended positions relative to the base. The Sinclair patent discloses no such adjuster and thus does not support a rejection of the claims as amended and resubmitted.

The Managed patent is cited only for a disclosure of spaced apart spring-loaded tabs. It does nothing to address the deficiencies of the Fisherman and Sinclair patents as a disclosure or suggestion of the present invention. Since claim 15, to which the Managed patent is applied, has

been amended as indicated below, the rejection is in any event moot and should be withdrawn.

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim (page 4 of the Office Action). Claim 18 has been rewritten accordingly to include the limitations of claims 1 and 16. In incorporating the recitations of claim 16, the phrase “comprising at least one compartment” has been amended to read “comprising first and second compartments” to provide antecedent support for the recitation of first and second compartments in claim 18. It is believed that the Examiner will readily approve of that change as being and keeping with 35 U.S.C. §112, second paragraph.

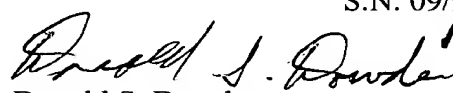
Since claims 2-8, 10-15 and 17 as amended and resubmitted depend on claim 18, which has been amended in accordance with the first paragraph on page 4 of the Office Action, claims 2-8, 10-15, 17 and 18 are clearly allowable.

For the reasons stated, it is respectfully requested that the Examiner enter this Amendment, withdraw the outstanding rejections, and issue a Notice of Allowance.

If a telephone interview would expedite prosecution of the application, the Examiner is invited to call undersigned counsel.

Respectfully submitted,
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VERSIONS WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1-4, 7, 10, 14, 17 and 18 have been amended as follows:

--1. (Twice Amended) Apparatus comprising:

a base;

a support connected to the base;

an adjuster for selectively collapsing the support relative to the base so that the apparatus can support writing material and function as a clipboard; or [extending] propping the support in an extended position relative to the base so that the apparatus can support reading material and function as a reading stand;

at least one compartment for holding miscellaneous items;

means for selectively opening or closing the compartment;

and a light for illuminating the writing or reading material;

wherein the light can be retracted or extended and the apparatus when collapsed is substantially rectangular in plan view.—

--2. (Amended) Apparatus according to claim [1]18 wherein the base is substantially rectangular.

--3. (Amended) Apparatus according to claim [1]18 wherein the support is substantially rectangular.

--4. (Amended) Apparatus according to claim [1]18 wherein the adjuster comprises a hinge for pivoting the support relative to the base.

--7. (Amended) Apparatus according to claim [1]18 further comprising a device connected to the apparatus for securing writing material.

--10. (Twice Amended) Apparatus according to claim [1]18 further comprising a stalk connected to the apparatus for mounting the light.

--14. (Amended) Apparatus according to claim [1]18 further comprising a page holder for holding reading material open at a desired page.

--17. (Amended) Apparatus according to claim [1 further comprising a]18 wherein the first compartment is for holding a writing implement and [a] the second compartment is for holding paper.

--18. (Amended) [Apparatus according to claim 16 further comprising] Apparatus comprising:

a base;

a support connected to the base;

an adjuster for selectively collapsing the support relative to the base so that the apparatus can support writing material and function as a clipboard; or extending the support relative to the base so that the apparatus can support reading material and function as a reading stand;

a light for illuminating the writing or reading material;

wherein the light can be retracted or extended and the apparatus when collapsed is substantially rectangular in plan view;

further comprising first and second compartments for holding miscellaneous items, and first and second lids respectively closing the first and second compartments, and first and second hinges respectively mounting the first and second lids and enabling opening of the first and second lids for access to the first and second compartments.